

**IN LIGHT OF UPCOMING REVISION ON THE DUBLIN III
REGULATION, HOW COULD THIS BE AMENDED TO ENSURE A
FAIR SHARING OF RESPONSIBILITY?**

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This essay was the winning submission in a competition held by ELSA Malta, in collaboration with the Office of MEP Roberta Metsola.¹²⁶⁴

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1. Introduction to the Dublin III Regulation

The Dublin Regulation,¹²⁶⁵ replacing the 1990 Dublin Convention as one of the ‘cornerstones of the European Union’s (Hereinafter referred to as ‘EU’) internal security acquis’¹²⁶⁶, assigns the responsibility for asylum claims to the different Member States (usually the country of first entry), in order to ensure the fair examination of each asylum claim and maintain an efficient system. The Dublin III Regulation and its amendment brought about the right to information, personal interview and access to remedies as well as a mechanism for early warning and crisis management. The Dublin III Regulation also provides more protection to asylum seekers who may be considered as irregular migrants to be treated under the Dublin Procedure and it creates more legally clear procedures between Member States.

Although the Dublin III Regulation grants more protection to those considered irregular migrants and to the migrants’ family links,¹²⁶⁷ the Dublin Regulation lacks a mechanism which guarantees a fair distribution of responsibilities. This is because its underlying premise stipulates that the State that played the major part in the asylum seekers’ entry into, or stay in the EU (taking account of his or her personal situation), is responsible for the asylum application. As the Draft Report on the situation in the Mediterranean and the need for a holistic EU

¹²⁶⁵ Council Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (2013) OJ L 180/31

¹²⁶⁶ Carolyn Armstrong and Eiko Thielemann, ‘The Political Project of the European Union: Current State and Future Perspectives’ (Universidade Nova de Lisboa 2011) <<http://ifl.pt/file/uploads/197fd7e390a506f0c6f2b14efa50be5d.pdf>> accessed 9 May 2016.

¹²⁶⁷ The Regulation contains a ‘sovereignty clause’ allowing a Member State receiving an application to take responsibility for an asylum application even if not otherwise responsible (Article 3(2)) and a ‘humanitarian clause’ providing that a State may unite “family members as well as other dependent relatives” on humanitarian grounds by taking responsibility for an asylum seeker which does not fall under that MS’s responsibility (Article 15 (2)).

approach on migration stated,¹²⁶⁸ the Dublin III Regulation has 'raised many questions linked to fairness and solidarity',¹²⁶⁹ since 'the current system does not take into sufficient consideration the particular migratory pressure faced by Member States situated at the Union's external borders'.¹²⁷⁰

2. Are the EU's core principles of solidarity and unity being faithfully represented in the Dublin System?

The European Commission has claimed that 'Solidarity is part of how European society works...'.¹²⁷¹ In fact, solidarity, one of the EU core fundamental values to which the Member States subscribe to,¹²⁷² is of utmost importance to the policy of the EU, which came about from the conscious effort to create some kind of unity in Western Europe after two subsequent wars. In this respect, after ten years in force, the European Commission's evaluation: 'the objectives of the Dublin system ... have, to a large extent, been achieved', is questionable. Responsibility, though assigned, is not being carried out, multiple claims and irregular movement are still commonplace and bureaucracy overshadows the European asylum system. The 'main problem' as identified by the Commission is the low transfer rates (which are rarely even carried out).¹²⁷³ The Commission's suggestion that Member States should annul 'the exchange of equal numbers of asylum seekers in well-defined circumstances' is absurd; disregarding sharing of responsibility should never be seen as a 'solution'.¹²⁷⁴ If it does in fact improve the efficiency of the system, then how successful is the whole system in terms of fair burden-sharing,¹²⁷⁵ and inter-state solidarity, which are supposedly the rationale behind the European asylum policy?

¹²⁶⁸ Committee on Civil Liberties, Justice and Home Affairs, 'Draft Report on the situation in the Mediterranean and the need for a holistic EU approach to migration' (2015) 2015/2095(INI).

¹²⁶⁹ *ibid* 14.

¹²⁷⁰ *ibid*.

¹²⁷¹ Malcolm Ross and Yuri Borgmann-Prebil, *Promoting Solidarity In The European Union* (OUP 2010).

¹²⁷² Eurofund, 'Solidarity Principle' <<http://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/solidarity-principle>> accessed 11 May 2016.

¹²⁷³ The criteria established by the said Regulation are not always applied correctly or at all since complete and conformity with the criteria would not bring about the desired results.

¹²⁷⁴ European Council on Refugees and Exiles, 'Sharing Responsibility For Refugee Protection In Europe: Dublin Reconsidered' (2008).

¹²⁷⁵ Fair burden-sharing is also not being achieved in financial terms. This Regulation may be criticised for not sorting out the issue of multiple applications and for having a significant negative financial impact. (In spite of the assertion that 'Member States consider the fulfilling of the political objectives of the system as very important, regardless of its financial implications'.)

Source: Commission, 'Report from the Commission to the European Parliament and the Council on the evaluation of the Dublin system' COM (2007) 299 final.

According to the EU Observer, the EU's mantras of values and inter-state cooperation have been rendered meaningless in the refugee crisis.¹²⁷⁶ The Dublin system is guilty of shifting responsibility of refugees towards Europe's southern and Eastern States such as Greece, Jordan, Turkey, and Italy, which have been experiencing an overwhelming economic strain. Greece has in fact hosted 154,553 asylum seekers between January and April 2016 alone.¹²⁷⁷ With the insufficiencies of these migration centres including lack of space, and hygienic and health services, becoming more problematic, many rights groups have invoked Article 3 of the European Convention on Human Rights which cites the unlawfulness of 'inhuman or degrading treatment'. The situations are especially dire in Greece where lack of ventilation, access to clean water, and sanitation are punishing the overcrowded facilities.¹²⁷⁸ In the case of *M.S.S. vs. Belgium and Greece*,¹²⁷⁹ the applicant, an Afghan national entering Greece before arriving in Belgium, complained in particular about the conditions of his detention and his living conditions in Greece, which was held to be responsible according to the Dublin II Regulation. As the European Council on Refugees and Exiles (Hereinafter referred to as 'ECRE') puts it in Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered: 'The inefficiencies and contradictions of the Dublin system do not merely impact governments and public finances, but often harshly disrupt human lives as well.'¹²⁸⁰ The hotspots set up in Italy and Greece, the first reception facilities accommodating large numbers of migrants in place for the purposes of identification, registration and fingerprinting present an unfair sharing of responsibilities, costs and efforts,¹²⁸¹ since Greece and Italy are responsible for the establishment of the hotspots even though they receive financial aid from the EU.¹²⁸²

¹²⁷⁶ Nikolaj Nielsen, 'EU Mantra of 'Solidarity' Lost on Asylum' (*euobserver*) <<https://euobserver.com/migration/131966>> accessed 9 May 2016.

¹²⁷⁷ United Nations High Commissioner for Refugees, 'UNHCR Refugees/Migrants Emergency Response Mediterranean' (2016) <<http://data.unhcr.org/mediterranean/country.php?id=83>> accessed 20 May 2016.

¹²⁷⁸ Khalid Koser, Deputy Director of the Geneva Centre of Security Policy, says: 'We used to think of migration as a human security issue: protecting people and providing assistance. Now we clearly perceive—or misperceive—migration as a national security issue. And the risk of securitizing migration is that you risk legitimizing extraordinary responses'.

¹²⁷⁹ *M.S.S. v. Belgium and Greece* 30696/09 (2011).

¹²⁸⁰ "States increasingly detain asylum seekers to try to complete transfers, families are kept apart, and refugees with serious health problems receive insufficient care. The application of the Dublin rules causes additional, unnecessary suffering to already traumatised refugees." (Source: ECRE (European Council on Refugees and Exiles), 'Sharing Responsibility For Refugee Protection In Europe: Dublin Reconsidered' (2008))

¹²⁸¹ Commission, 'The Hotspot Approach To Managing Exceptional Migratory Flows' <http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf> accessed 15 May 2016.

¹²⁸² European Council on Refugees and Exiles, 'Sharing Responsibility For Refugee Protection In Europe: Dublin Reconsidered' (2008).

It is against the EU's policies for migrants to continue onward after Greece or Italy since the Dublin Regulation imposes the obligation on the receiving country to process the asylum claims. In light of this, the Commission proposed a scheme to have 20,000 resettlement places from Italy and Greece.¹²⁸³ The rationale behind the Commission's two-year plan of relocation was to reduce the difficulties state which are geographically disadvantaged face due to this global phenomenon by collectively combining efforts to have a holistic EU approach to migration. However, the majority of Member States have stressed that this scheme should be done voluntarily; proving the lack of inter-state cooperation in the current system. The implementation of the relocation scheme has brought about even greater tension between the States. On the 4th February 2016, the Commission announced that only 937 of the intended asylum seekers had been located from Italy and Greece.¹²⁸⁴

The differences in the number of asylum applications Member States receive are significant. So is the fact that Member States deal with such applications differently in terms of reception and living conditions, length and quality of asylum process, and recognition rates,¹²⁸⁵ even though there are standards governing the treatment of asylum applications stipulated in binding EU directives.¹²⁸⁶ A brief look at the data on the actual asylum applications reveals a highly inequitable distribution of responsibilities between Member States and substantial differences between the Commission's proposed quotas for relocating migrants from Greece and Italy and the additional quotas later in September 2015. This goes to show that the Dublin procedure is not being successful in ensuring that the influx and strain are being shared accordingly.

¹²⁸³ Commission Recommendation C(2015) 3560 final on a European resettlement scheme [2015].

¹²⁸⁴ Commission, 'Communication From The Commission To The European Parliament, The European Council And The Council First Report On Relocation And Resettlement' (Communication) COM(2016) 416 final.

¹²⁸⁵ Steffen Angenendt, Marcus Engler and Jan Schneider, 'European Refugee Policy Pathways to Fairer Burden-Sharing' [2013] SWP.

¹²⁸⁶ Namely the Qualification Directive 2011/95, the Procedure Directive 2013/32, and the Reception Directive 2013/33

Number of migrants EU countries are being asked to take

- May 2015: Proposed quotas for relocating migrants from Greece and Italy
- Sept 2015: Proposed additional quotas for relocating migrants from Greece, Italy and Hungary

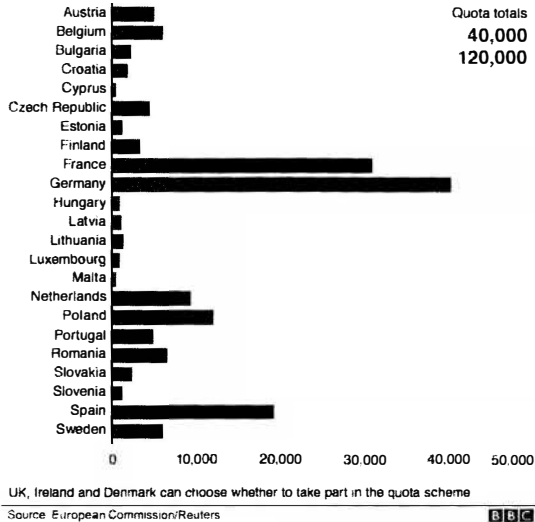


Figure 1: Number of migrants EU countries are being asked to take
(Source: BBC)

Actual asylum applications in relation to the multi factor model, 2008-2012

	Fair quota	De facto applications	Deviation from fair quota (%)
Sweden	42,017	153,900	+266.3%
Belgium	32,017	95,720	+199.0%
Greece	27,189	64,970	+139.0%
Austria	31,960	71,510	+123.7%
Cyprus	7,193	13,680	+90.2%
Malta	6,457	9,060	+40.3%
France	170,953	232,680	+36.1%
Netherlands	51,954	62,080	+19.5%
Germany	205,974	201,350	-2.2%
Denmark	22,706	21,100	-7.1%
United Kingdom	150,457	137,940	-8.3%
Italy	140,580	107,800	-23.3%
Finland	27,905	19,960	-28.5%
Hungary	20,837	13,740	-34.1%
Ireland	16,629	10,730	-35.5%
Luxembourg	9,951	5,810	-41.6%
Poland	67,695	38,590	-43.0%
Bulgaria	16,568	4,750	-71.3%
Slovakia	12,738	3,140	-75.3%
Croatia	12,195	2,600	-78.7%
Lithuania	9,350	1,740	-81.4%
Czech Republic	25,262	4,570	-81.9%
Romania	39,924	7,100	-82.2%
Spain	108,289	16,260	-85.0%
Slovenia	9,622	1,240	-87.1%
Latvia	7,416	690	-90.7%
Portugal	23,860	1,040	-95.6%
Estonia	6,537	230	-96.5%

Source: Eurostat, UNHCR, own calculations

Figure 2: Actual asylum applications in relation to the multi-factor model
(Source: Eurostat, UNHCR)

The Dutch Research and Documentation Centre's study found that the recognition rates in the EU vary substantively, even after these had been fixed to suit the asylum populations in the European states.¹²⁸⁷ This has in turn led to tensions within the EU. Vastly differing refugee recognition rates create an 'asylum lottery': for instance, over 80% of Iraqi asylum claims are accepted at first instance in some Member States, whilst in others they are not.

3. How can the Dublin III Regulation be amended to ensure a fair sharing of responsibility?

In light of these unequitable differences, one should consider the establishment of a permanent responsibility-sharing mechanism, founded upon the principle of inter-state cooperation. As the European Refugee Policy Paper¹²⁸⁸ states,

¹²⁸⁷ Ministerie van Veiligheid en Justitie, 'How (Un)Restrictive Are We? 'Adjusted' And 'Expected' Asylum Recognition Rates In Europe' (Research and Documentation Centre (WODC) 2015) <[http://www.arjenleerkes.nl/How%20\(un\)restrictive%20are%20we%20-%20Adjusted%20and%20expected%20asylum%20recognition%20rates%20in%20Europe.pdf](http://www.arjenleerkes.nl/How%20(un)restrictive%20are%20we%20-%20Adjusted%20and%20expected%20asylum%20recognition%20rates%20in%20Europe.pdf)> accessed 25 May 2016.

¹²⁸⁸ Steffen Angenendt, Marcus Engler and Jan Schneider, 'European Refugee Policy Pathways to Fairer Burden-Sharing' [2013] SWP.

In view of these deficits, the EU member states need to find a new and fairer mechanism for receiving refugees and processing their applications. One obvious route would be to specify an equitable reception quota for each member-state, to be adjusted annually according to a transparent calculation method.

The European legal framework must hence be adjusted. Article 80 TFEU, which states that the asylum policy of the EU is based on the principle of solidarity and burden-sharing, needs to clearly delineate the content and meaning of 'solidarity'. Solidarity must be defined in terms of an international sphere and its binding power over States that must commit to the system of collective decision-making.

An equitable distribution mechanism should not be the exception, as was the case in the Commission's two-year plan of relocation, but the normal procedure. In light of this, Articles 3 and 13 of the Dublin Regulation require further revision in order to provide for the disproportionately large number of asylum seekers some Member States are confronted with, in which case it should authorise the compulsory transfer of a set quota of asylum seekers to a Member State which has a disproportionately low number of asylum seekers taking into consideration other factors such as the latter Member State's economy and population density.¹²⁸⁹ The problem with the Commission's two year relocation plan was the level of commitment Member States were willing to put in due to political difficulties with regard to burden-sharing for refugees.¹²⁹⁰ Thus if such a scheme is to work as Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos highlighted, Member States need to deliver their commitments, as 'The lack of political will among Member States has been the most important factor in slowing down the process.'¹²⁹¹

The Council of Ministers should be given the power to implement a distribution key for a fair quota plan, which can be similar to the Commission's 2015

¹²⁸⁹ Although such a proposal may limit the freedom of the asylum seeker to pick and choose a specific Member State, this lack of choice can be compensated by offering the prospect of mobility within the EU for persons who acquired international protection in one of the Member States, after a two-year period instead of five and subject to certain restrictions, such as an offer to work or possibility to study in another Member State.

¹²⁹⁰ Jon Henley, 'EU Refugee Relocation Scheme Is Inadequate And Will Continue To Fail' (the Guardian, 2016) <<https://www.theguardian.com/world/2016/mar/04/eu-refugee-relocation-scheme-inadequate-will-continue-to-fail>> accessed 18 November 2016 (For exact figures see: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf)

¹²⁹¹ 'Relocation And Resettlement: EU Member States Urgently Need To Deliver' (Europa.eu, 2016) <http://europa.eu/rapid/press-release_IP-16-829_en.htm> accessed 18 November 2016

relocation scheme,¹²⁹² and which will annually determine the percentage of the total number of asylum applications each Member State should be responsible of. This can be done after the Commission has quarterly reports by EURODAC¹²⁹³ on the total number of asylum seekers registered in the EU and in each Member State in order to determine which States have received a disproportionate number of applications, and how many asylum seekers may be transferred by these Member States to those with disproportionately few applications,¹²⁹⁴ whilst taking into consideration factors such as the countries' resources, GDP, economic activity, unemployment levels, population density and future economic growth.¹²⁹⁵ A Member State may also indicate to the Commission a sudden rise of asylum applications for it to thus initiate the distribution mechanisms ad hoc. Such a system would serve as an incentive for Member States to register asylum seekers into EURODAC, as the more they register, the sooner they will reach their allocated number of asylum seekers, allowing the transfer for new asylum seekers to other Member States.

As previously stated although in terms of responsibility, the Commission's proposal has been seen as a step in the right direction, the efficiency of States to fulfil their obligations has been 'disappointing'.¹²⁹⁶ In light of this a more strategic enforcement approach for the Member States failing to meet their obligations is required by the Commission. This can be done by rewarding States that take active measures to increase asylum capacity with extra funding, whilst excluding the States which fail to meet their obligations from benefitting from the distribution mechanism. This can take the form of a 'Dublin compensation fund' which would be comprised of funds from Member States that repeatedly take in fewer asylum-seekers than their fair quota suggests, to set up a supplementary financial compensation arrangement. This fund can be similar to the new Asylum and Migration Fund 2014-2020, which provides a similar compensation mechanism for EU resettlement measures.¹²⁹⁷ Moreover, even

¹²⁹² Commission Recommendation C(2015) 3560 final on a European resettlement scheme [2015]

¹²⁹³ "The objective of this regulation is to establish a system for comparing fingerprints of asylum seekers" (Eur-Lex)

¹²⁹⁴ European Council on Refugees and Exiles, 'Sharing Responsibility For Refugee Protection In Europe: Dublin Reconsidered' (2008).

¹²⁹⁵ The UNHCR has developed a multi-factor model for calculating reception quotas based on the economic strength of the country (Gross domestic product), the population (Average mean of last 5 years), the area (geographical area in square kilometres) and the unemployment rate average over the last five years. Such a multi-factor model can be used in order to determine said quotas.

¹²⁹⁶ 'Roberta Metsola Maps Out EU Plan On Migration' (EPP Group, 19 January 2016) <<http://www.eppgroup.eu/news/Roberta-Metsola-maps-out-EU-plan-on-migration>> accessed 11 May 2016.

¹²⁹⁷ Steffen Angenendt, Marcus Engler and Jan Schneider, 'European Refugee Policy Pathways to Fairer Burden-Sharing' [2013] SWP.

though it is the Member States' primary responsibility to implement EU legislation correctly and in a timely fashion, the EU should intervene so as to hold countries responsible in Council meetings. It is important to point out that for the permanent distribution mechanism to operate effectively there must be further harmonization of the Common European Asylum system as well as a revision of the Temporary Protection Directive.¹²⁹⁸

4. Is amending the Dublin III Regulation enough?

In tangent with amending the Dublin III Regulation, there must be further integration strategies for the asylum seekers, as well as better safety measures in the Mediterranean Sea, and more emphasis on the external dimension of EU asylum policies. These all require a sense of fair burden-sharing which has been lacking in both the Dublin III Regulation as well as the European asylum procedure as a whole. As the Committee on Civil Liberties, Justice and Home Affairs' Report pointed out, Article 80 TFEU puts the principles of solidarity and fair sharing at the heart of the whole of the EU. This solidarity can have both an internal dimension including the proactive interpretation of the Dublin III Regulation and the Temporary Protection Directive, operational support measures and mutual relocation whilst the external dimension can feature sharing of responsibilities in search and rescue missions , in cooperating with third countries, amongst others.¹²⁹⁹

After 3771 persons were reported dead or missing in the Mediterranean Sea in 2015, it became clear that there needs to be further cooperation between Member States in terms of disembarkation procedure and search and rescue.¹³⁰⁰ There must hence be more harmonization on the modalities for managing search and rescue zones and on the obligations of the State in whose search and rescue zone the rescue took place.¹³⁰¹ Upon the recommendation of the Advisory Committee on Migration Affairs, the EU should work more on the external dimension of EU asylum by (i) cooperating with border countries and (ii) dealing with the main reason for which persons flee Europe.

¹²⁹⁸ Council Directive 2001/55/EC

¹²⁹⁹ The EU may provide incentives and support for measures taken by Member States to promote the integration of legally resident migrants however there is currently a lack of harmonisation of national laws and regulations.

¹³⁰⁰ Committee on Civil Liberties, Justice and Home Affairs, 'Draft Report on the situation in the Mediterranean and the need for a holistic EU approach to migration' (2015) 2015/2095(INI).

¹³⁰¹ It is important to note that saving lives is not only an ethical issue and an act of solidarity, but also a legal obligation since Article 98 of the United Nations Convention of the Law of the Sea ratified by all Member States and the Union itself, entails assistance to be given to any person distress at sea.

4.1 Cooperation with border countries

Whilst noting that Syria, Afghanistan and Iraq are countries which have recognition rates of over 50% in EU States, further cooperation with border countries such as Jordan, Turkey and Lebanon seems to be essential to relieve some of the weight off the EU (whilst aiding such countries in order to have better asylum procedures and more harmonized asylum policy). In this respect, although agreements such as the EU-Turkey Joint Action, the EU-Jordan Association Agreement,¹³⁰² and the EU-Lebanon Association Agreement have been helpful in this regard, the Global Approach to Migration and Mobility (Hereinafter referred to as 'GAMM') Pillar needs to be further developed so that there is greater involvement of third countries, so that the resettlement component of programmes (such as the Regional Protection Programmes (Hereinafter referred to as 'RPP's')) or Regional Development and Protection Programmes (Hereinafter referred to as 'RDPPs') are strengthened, and capacity building efforts and resettlement activities are improved and carried out with the countries hosting large refugee populations.

4.2 The sustainable development of the countries of origin

The sustainable development of the countries of origin, which some have referred to as a new 'Marshall Plan' for the Middle East and North Africa, could ultimately help the situation since prevention measures alone are not sufficient to deal with this current migration phenomena.¹³⁰³ As the UK Government has recognized: 'the solution to the crisis does not lie only in resettling and meeting the basic needs of existing refugees' since there must be 'further focus on interventions in source countries that build resilience, increase stability and enhance development in order to help reduce further mass migration'.¹³⁰⁴ The EU must hence adopt a long-term strategy to help counteract the 'push factor' in

¹³⁰² 'King Abdullah: ISIL "A war inside of Islam" that we need to fight together (Euronews, 11 November 2015) <<http://www.euronews.com/2015/11/11/exclusive-king-abdullah-ii-on-syrian-refugees-in-jordan-and-the-islamic-state>> accessed 25 May 2016:'...I think the issue of refugees arriving on the shores of Europe has been a wake-up call for all of us that we have to have better coordination ... I think here is the opportunity to put our differences aside and bring this new collective relationship together... ... Are we going to grab those opportunities or are we going to stick our heads in the sands and let these opportunities take us past? It is up to us.'

¹³⁰³ 'Tackling Migration's Root Causes' (British Council, October 2015) <<https://www.britishcouncil.org/organisation/policy-insight-research/insight/tackling-migrations-root-causes>> accessed 9 May 2016.

¹³⁰⁴ The UK's interventions vary from contributing to systematic reform in key countries; through boosting education and increasing employability. Ways of contributing to the sustainable development of said countries could be to boost the private sector, to promote economic growth, develop state capacity, as well as strengthen the rule of law and mechanisms of accountability (US academic Francis Fukayama) as well as strengthening and forcing asylum systems and helping in border control.

third countries (persecution, conflict, violence or extreme poverty) and to solve the geo-political issues that force people to flee, such as the Syrian war; the lack of employability in sub-Saharan Africa; and the deep-rooted conflicts in Nigeria, Sudan, Somalia and Democratic Republic of Congo.¹³⁰⁵

5. Final suggestions and Conclusion

To sum up the suggestions that have been given in this paper are the following,

- a) The establishment of a permanent-sharing mechanism;
- b) The revision of European legal framework including Article 80 TFEU to delineate the content and meaning of 'solidarity' and Article 3 and 13 of the Dublin Regulation;
- c) The implementation of a distribution key by the Council of Ministers through quarterly reports by EURODAC;
- d) A more enforceable approach of this mechanism through the establishment of the 'Dublin Compensation Fund' to be comprised from funds from Member States that repeatedly take in fewer asylum seekers to set up a supplementary financial compensation arrangement;
- e) Cooperation in the external dimension apart from the internal dimension; this should be done mainly by cooperating in search and rescue missions, cooperating with border countries and working together for the sustainable development of the countries of origin.

What is needed now is rapid and comprehensive reforms of the Common European Asylum System,¹³⁰⁶ a fair distribution system and a reliable mechanism for overburdened national asylum systems which can be implemented through a more proactive approach of the Dublin Regulation. The Dublin III Regulation should distribute costs more fairly as this has also been disproportionally placed on the EU's external border countries. This can be done without having to resort to a single centralised procedure.¹³⁰⁷ The nature of European asylum cooperation and European collective action regarding internal security is being undermined through the inequitable system, which renders it

¹³⁰⁵ Lawrence Peter, 'Migrant Crisis: How can EU Respond to Influx?' BBC (Europe, 7 September 2015) <<http://www.bbc.com/news/world-europe-34139348>> accessed 11 May 2016.

¹³⁰⁶ The Common European Asylum System consists of three revised directives (the Asylum Qualification Directive, the Asylum Procedures Directive, and the Reception Conditions Directive) and two reworked regulations (EURODAC and Dublin-III).

¹³⁰⁷ Mechanisms aiding cooperation and mutual support should be more prevalent, ensuring comprehensive training for officials, the exchange of best practices from the European Asylum Support Office and better dispute resolution mechanisms
Source: European Council on Refugees and Exiles, 'Sharing Responsibility For Refugee Protection In Europe: Dublin Reconsidered' (2008).

necessary for cooperation in this policy area to evolve.¹³⁰⁸ Quoting Migration, Home Affairs and Citizenship Commissioner, Dimitris Avramopoulos, 'While the number of migrants arriving to Europe remains high, we need to step-up the implementation of the agreed European response that strikes the balance between responsibility and solidarity',¹³⁰⁹ and MEP Roberta Metsola, 'If we are a union of shared values, we must now become a union of shared responsibility'. And in order to do this, 'Every Member State must play its part.'¹³¹⁰

¹³⁰⁸ Carolyn Armstrong and Eiko Thielemann, 'Understanding European asylum cooperation under the Schengen/Dublin system: a public goods framework' [2013] Volume 12, Issue 2, EU Internal Security as a Collective Action Problem 148.

¹³⁰⁹ European Commission, *State aid: Implementing the European Agenda on Migration: Progress on Priority Actions* (Press Release, Brussels, 10 February 2016, IP/16/271) <http://europa.eu/rapid/press-release_IP-16-271_en.htm> accessed 11 May 2016.

¹³¹⁰ Roberta Metsola, 'Roberta Metsola Maps Out EU Plan on Migration' (*EPP Group*, 19 January 2016) <<http://www.eppgroup.eu/news/Roberta-Metsola-maps-out-EU-plan-on-migration>> accessed 11 May 2016.